
Introduced by Senator AlpertFebruary 21, 2003

An act to add Section 853.5a to the Penal Code, relating to identification.

LEGISLATIVE COUNSEL'S DIGEST

SB 752, as introduced, Alpert. Identification.

Under existing law, in any case in which a person is arrested for an offense declared to be an infraction or a misdemeanor, including a violation of any city or county ordinance or a violation of the Vehicle Code, the person may be released pursuant to specified procedures that include presenting to a peace officer satisfactory identification or signing a promise or notice to appear. Existing law also authorizes a peace officer to obtain a right thumbprint, or a left thumbprint or fingerprint if the person has a missing or disfigured right thumb, on a promise to appear from the person arrested for an infraction if that person does not provide satisfactory evidence of identity, or when the person is arrested for a misdemeanor and he or she has no satisfactory identification.

This bill would express the intent of the Legislature to enact legislation to apply stated policies in connection with the detention or arrest of a person by peace officer.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 853.5a is added to the Penal Code, to
2 read:



1 853.5a. It is the intent of the Legislature to enact legislation
2 to apply the following policies in connection with a peace officer
3 the detention or arrest of a person:

4 (a) A peace officer may obtain a fingerprint or thumbprint from
5 a person arrested for a misdemeanor or Vehicle Code violations,
6 other than felony violations, before releasing the person with a
7 promise to appear, if the person arrested does not have a
8 satisfactory identification.

9 (b) An arrest for an infraction may not be made if the arrest is
10 based solely on a person not having satisfactory identification.

11 (c) A person who contests a charge by claiming not to be the
12 person arrested may challenge his or her arrest by requesting that
13 the fingerprints or thumbprints obtained at the time of the arrest in
14 question be compared to the person's fingerprints or thumbprints.

